

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 5/14/2020

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AVALON HOLDINGS CORP.,

Plaintiff,

v.

GUY GENTILE and
MINTBROKER INTERNATIONAL, LTD.,

Defendants.

No. 18-cv-7291 (VSB)

(ECF Case)

Related to:

NEW CONCEPT ENERGY, INC.

Plaintiff,

v.

GUY GENTILE and
MINTBROKER INTERNATIONAL, LTD.,

Defendants.

No. 18-cv-8896 (VSB)

(ECF Case)

**JOINT STIPULATION
AS TO CERTAIN FACTS FOR PURPOSES OF SUMMARY JUDGMENT**

Plaintiffs Avalon Holdings Corporation (“Avalon”) and New Concept Energy, Inc. (“New Concept”), together with Defendants Guy Gentile (“Gentile”) and Mintbroker International, Inc. (“Mintbroker”), hereby stipulate and agree as to the following facts:

1. Account #I1043365 was a proprietary trading account held by MintBroker at Interactive Brokers (“Interactive”) and it served as the “Master Account” for two proprietary sub-accounts: (i) Account #UL1043811; and (ii) Account #US1043812 (the “Trading Accounts”).

2. The “Activity Statements” produced by Interactive for each of the Trading Accounts accurately reflect the Avalon (AWX) and New Concept (GBR) trades executed in those Trading Accounts by Gentile, as the sole owner of MintBroker. (See #UL1043811 “Activity

Statement” (filename: Annual Statements/MINT 2018 UL.pdf), AWX trades at pp.933 –1000; GBR trades at pp.1150 –1202; *see also* #US1043812 “Activity Statement” (filename: Annual Statements/MINT 2018 US.pdf), AWX trades at pp.203-206; GBR trades at pp. 431-433).

3. The trades reflected in the Activity Statements for the Trading Accounts include the Avalon and New Concept trades reflected in the records produced by the Defendants at Bates Numbers MINT-AWX000001-140 and MINT-GBR-000001-159.

4. Cash was credited or debited to the Trading Accounts, as applicable, in connection with each AWX or GBR trade listed on the “Activity Statements,” in the amount of the “Proceeds” indicated on the “Activity Statements” for each such trade.

This Stipulation shall be treated as admissions of fact by Plaintiffs and Defendants for the purpose of summary judgment.

Dated: New York, New York
May 13, 2020



FORD O'BRIEN
Adam C. Ford
Robert S. Landy
Danielle McLaughlin
575 5th Avenue 17th Floor
New York, NY 10017
(212) 858-0040
aford@fordobrien.com
rlandy@fordobrien.com
dmclaughlin@fordobrien.com

*Attorneys for Defendants Guy Gentile
and Mintbroker International, Ltd.*




Miriam Tauber
MIRIAM TAUBER LAW PLLC
885 Park Ave. 2A
New York NY 10075
(323) 790-4881
MiriamTauberLaw@gmail.com

David Lopez
LAW OFFICES OF DAVID LOPEZ
PO Box 323, 171 Edge of Woods Rd.
Southampton, NY 11969
(631) 287-5520
DavidLopezEsq@aol.com

*Attorneys for Plaintiffs
Avalon Holdings Corp.
and New Concept Energy, Inc.*

SO ORDERED:

5/14/2020


Hon. Robert W. Lehrburger (U.S.M.J., S.D.N.Y.)